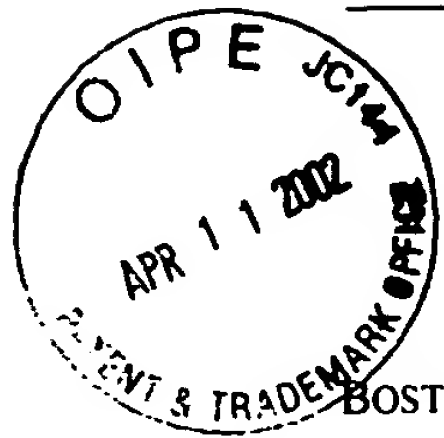


MA

Buckson 1645



LAHIVE
&
COCKFIELD
LLP

COUNSELLORS AT LAW
28 STATE STREET
BOSTON, MASSACHUSETTS 02109-1784
TELEPHONE (617) 227-7400
FAX (617) 742-4214
lc@lahive.com

COPY OF PAPERS
ORIGINALLY FILED

JOHN A. LAHIVE, JR. (1928-1997)
THOMAS V. SMURZYNSKI
RALPH A. LOREN
GIULIO A. DeCONTI, JR.
ANN LAMPORT HAMMITTE
ELIZABETH A. HANLEY
AMY BAKER MANDRAGOURAS
ANTHONY A. LAURENTANO
KEVIN J. CANNING
JANE E. REMILLARD
DeANN FORAN SMITH
PETER C. LAURO
JEANNE M. DiGIORGIO
DEBRA J. MILASINCIC, Ph.D.
DAVID J. RIKKERS
DAVID R. BURNS
JOHN S. CURRAN
SEAN D. DETWEILER

CYNTHIA L. KANIK, Ph.D.
MEGAN E. WILLIAMS, Ph.D.
RICHANAND
MICHAEL PHILLIPPS
LISA M. DiROCCO
HATHAWAY P. RUSSELL
MARIA LACCOTRIPE ZACHARAKIS, Ph.D.
PETER A. DiMATTIA
VINCENT P. LOCCISANO
MERIDETH C. ARNOLD

SENIOR COUNSEL
JAMES E. COCKFIELD

OF COUNSEL
JEREMIAH LYNCH
WILLIAM A. SCOFIELD, JR.
SIBLEY P. REPPERT

PATENT AGENTS
THEODORE R. WEST
SHAYNE Y. HUFF, Ph.D.
DANIEL B. KO

TECHNICAL SPECIALISTS
CYNTHIA M. SOROOS
PETER W. DINI, Ph.D.
EUIHOON LEE
JENNIFER K. ROSENFELD
ALLAN TAMESHTIT, Ph.D.
CATHERINE E. McPHERSON
ERIC F. WAGNER, Ph.D.
SHAHID HASAN, Ph.D.
JACOB G. WEINTRAUB
JONATHAN M. SPARKS, Ph.D.
CRISTIN E. HOWLEY, Ph.D.

* Admitted in NY only
** Admitted in TX only

March 28, 2002

RECEIVED

APR 16 2002

Commissioner for Patents
Box Sequence
Washington, D.C. 20231

TECH CENTER 1600/2900

Re: U.S. Patent Application Serial No. 09/813,453
Applicants: R. Rogers Yocum and Thomas A. Patterson
Filed: March 20, 2001
Title: *MICROORGANISMS AND ASSAYS FOR THE IDENTIFICATION
OF ANTIBIOTICS*
Attorney Docket No.: OGZ-001

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (2 pages);
2. Transmittal Letter for Diskette Containing Substitute Sequence Listing (1 page);
3. Diskette Containing Substitute Sequence Listing;
4. Copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures; and
5. Return postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. *A duplicate of this sheet is enclosed.*

Certificate of First Class Mailing (37 C.F.R. §1.8(a))

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box Sequence, Washington, D.C. 20231 on:

March 28, 2002

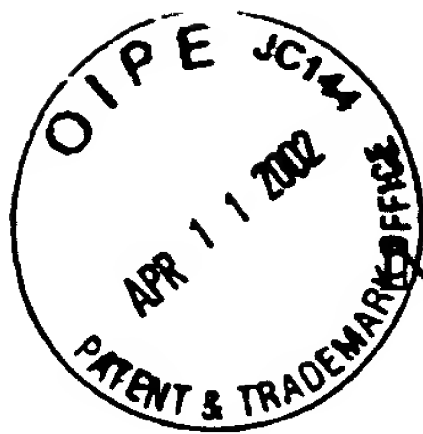
Date

Debra J. Milasincic, Esq., Reg. No. 46,931

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

Debra J. Milasincic, Esq.
Reg. No. 46,931
Attorney for Applicants



CO OF PAPERS
ORIGINALLY FILED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application f: R. Rogers Yocum and
Thomas A. Patterson

Serial No.: 09/813,453

Filed: March 20, 2001

For: MICROORGANISMS AND ASSAYS FOR
THE IDENTIFICATION OF ANTIBIOTICS

Attorney Docket No.: OGZ-001

Group Art Unit: 1645

Examiner: Not Yet Assigned

RECEIVED
APR 16 2002
TECH CENTER 1600/2900

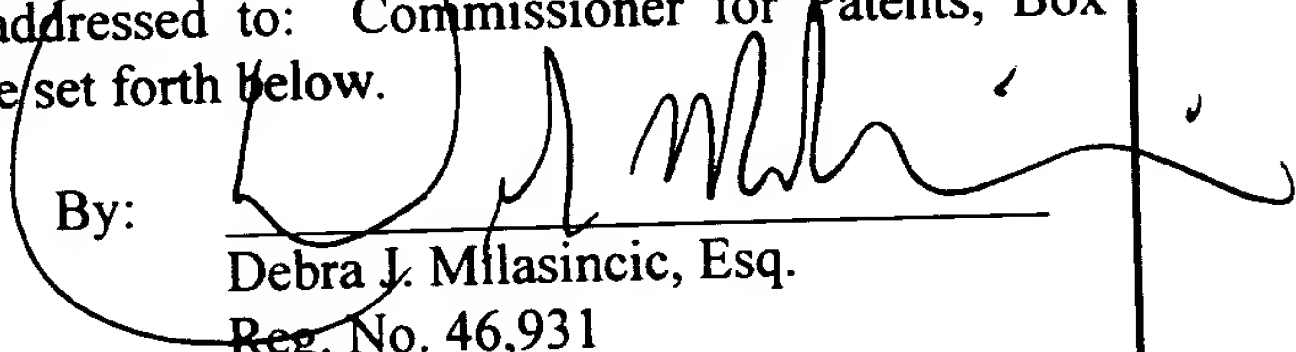
Commissioner for Patents
Box Sequence
Washington, D.C. 20231

Certificate of First Class Mailing (37 CFR 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box Sequence, Washington, D.C. 20231 on the date set forth below.

March 28, 2002
Date of Signature and of Mail Deposit

By:


Debra J. Milasincic, Esq.
Reg. No. 46,931
Attorney for Applicants

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO
ACID SEQUENCE DISCLOSURES**

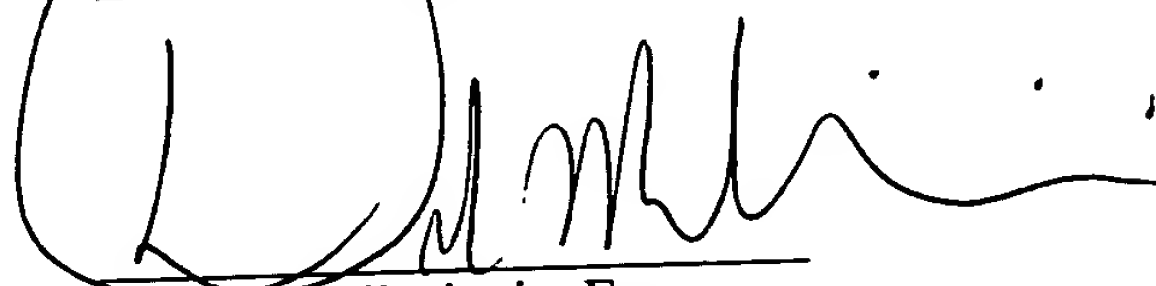
Dear Sir:

In response to the Notice to Comply with Requirements for Patent Applications
Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed from
the Patent Office on January 30, 2002, we enclose a diskette which contains a Substitute
Sequence Listing in computer readable form as required by 37 C.F.R. 1.821(e). Also

enclosed is a statement that the content of the Substitute Sequence Listing appearing at pages 1-69 previously submitted on March 20, 2001 in connection with the above-referenced patent application and the computer readable copy are the same as required under 37 C.F.R. 1.821(f). A copy of the Notice to Comply for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures is also enclosed. No new matter has been added.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP



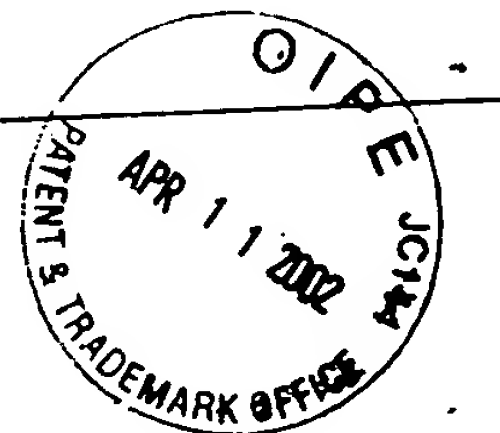
Debra J. Milasincic, Esq.
Registration No. 46,931
Attorney for Applicants

28 State Street
Boston, MA 02109
Telephone: (617) 227-7400
Facsimile: (617) 742-4214

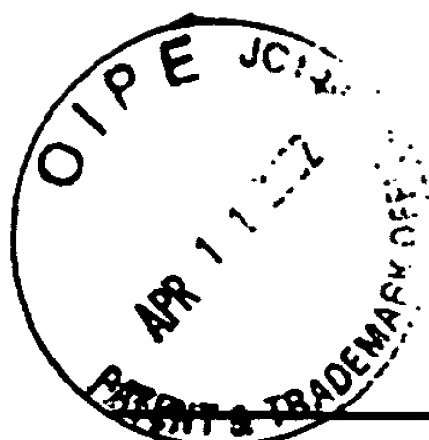
Date: March 28, 2002

DISK TO STIC

DATE:



COPY OF PAPERS
ORIGINALLY FILED



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: R. Rogers Yocum and
Thomas A. Patterson

Serial No.: 09/813,453

Filed: March 20, 2001

For: MICROORGANISMS AND ASSAYS FOR
THE IDENTIFICATION OF ANTIBIOTICS

Attorney Docket No.: OGZ-001

Group Art Unit: 1645

Examiner: Not Yet Assigned

RECEIVED

APR 16 2002

TECH CENTER 1600/2900

Commissioner for Patents
Box Sequence
Washington, D.C. 20231

**TRANSMITTAL LETTER FOR DISKETTE CONTAINING
SUBSTITUTE SEQUENCE LISTING**

Dear Sir:

Enclosed is a diskette which contains a computer readable form of the Substitute Sequence Listing for the patent application identified above. The Substitute Sequence Listing complies with the requirements of 37 C.F.R. § 1.821. The information recorded in computer readable form is identical to the written Sequence Listing appearing on pages 1-69 previously submitted on March 20, 2001. The computer readable form of the Substitute Sequence Listing contained on the enclosed diskette is understood to comply with the requirements of § 1.824(d).

Certificate of First Class Mailing (37 C.F.R. §1.8(a))

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box Sequence, Washington, D.C. 20231 on:

March 28, 2002

Date

Debra J. Milasincic, Esq., Reg. No. 46,931

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

Debra J. Milasincic, Esq.

Reg. No. 46,931

Attorney for Applicants

Date: March 28, 2002

COPY OF PAPERS
ORIGINALLY FILED

RECEIVED Page 1 of 1
APR 16 2002



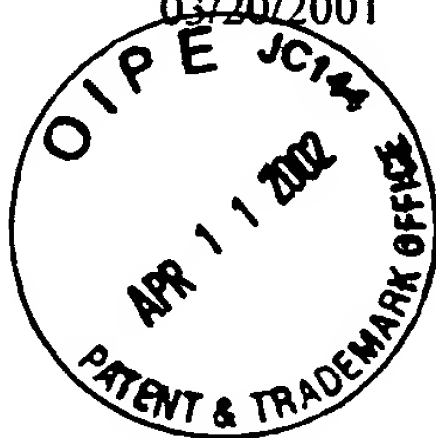
UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/813,453	03/20/2001	R. Rogers Yocum	OGZ-001

000959
LAHIVE & COCKFIELD
28 STATE STREET
BOSTON, MA 02109



RECEIVED

APR 16 2002

CONFIRMATION NO. 3274

FORMALITIES LETTER



Date Mailed: 01/30/2002

TECH CENTER 1600/2900

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

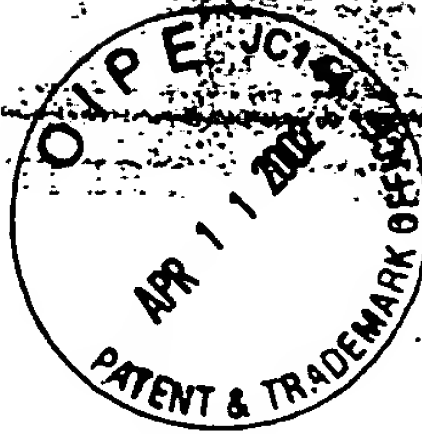
A copy of this notice MUST be returned with the reply.

B/C

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

O/PE



CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/813,453
Filing Date: 3/20/2001
Date Processed by STIC: 1/19/2002

COPY OF PAPERS
ORIGINALLY FILED

RECEIVED

APR 16 2002

TECH CENTER 1600/2900

STIC Contact: Mark Spencer, 703-308-4212

Nature of Problem:

The CRF (was):

- ☒ (circle one) Damaged or Unreadable (for Unreadable, see attached)
☐ Blank (no files on CRF) (see attached)
☐ Empty file (filename present, but no bytes in file) (see attached)
☐ Virus-infected. Virus name: _____ The STIC will not process the CRF.
☐ Not saved in ASCII text
☐ Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should only be the Sequence Listing.
☐ Did not contain a Sequence Listing. (see attached sample)
☐ Other: _____

PLEASE USE THE CHECKER VERSION 3.1 PROGRAM TO REDUCE ERRORS.
SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom, including:

1. EFS-Bio (<http://www.uspto.gov/efb/efs/downloads/documents.htm>), EFS Submission

User Manual - ePAVE)

2. U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202

3. Hand Carry directly to:

U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7th Floor, Examiner Name,
Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202

Or

U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two,
2011 South Clark Place, Arlington, VA 22202

4. Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office,
Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

COPY OF ERS
ORIGINALLY FILED



09/813,453
RECEIVED
APR 16 2002
TECH CENTER 1600/2900

A:\>DIR

Volume in drive A has no label
Directory of A:\

SEQLIS~1 TXT	188,811	08-23-01 12:14p	seqlistcorrected.txt
1 file(s)		188,811 bytes	
0 dir(s)		1,268,736 bytes free	

A:\>TYPE SEQLIS~1.TXT|MORE

Read fault error reading drive A
Abort, Retry, Fail?F
Fail on INT 24 - SEQLIS~1.TXT

*onscreen message when STK PC
tried to read submitted file*

A:\>